

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND; PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST;  
TEAMSTERS HEALTH & WELFARE FUND OF  
PHILADELPHIA AND VICINITY;  
PHILADELPHIA FEDERATION OF TEACHERS  
HEALTH AND WELFARE FUND; DISTRICT  
COUNCIL 37, AFSCME - HEALTH &  
SECURITY PLAN; JUNE SWAN; BERNARD  
GORTER; SHELLY CAMPBELL and  
CONSTANCE JORDAN,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri corporation,  
and McKESSON CORPORATION, a Delaware  
corporation,

Defendants.

Civil Action: 1:05-CV-11148-PBS

Judge Patti B. Saris

**MCKESSON CORPORATION'S MOTION FOR PROTECTIVE ORDER REGARDING  
SUBPOENAS TO NONPARTY RETAIL PHARMACIES**

Pursuant to Federal Rule of Civil Procedure 26(c), Defendant McKesson Corporation (“McKesson”) respectfully moves this Court for a protective order regarding plaintiffs’ subpoenas to nonparty providers of retail pharmacy services. The grounds for this motion are stated in the accompanying Memorandum In Support Of McKesson Corporation’s Motion for Protective Order Regarding Subpoenas to Nonparty Retail Pharmacies (“Memorandum”).

WHEREFORE, for the reasons set forth in the Memorandum, McKesson respectfully requests that the Court grant its motion for a protective order and enter an Order:

- a. requiring plaintiffs to withdraw Request Number Four in the January 30, 2008 subpoenas to Safeway, Kmart, and Longs Drugs, the January 31, 2008 subpoenas to Wal-Mart, Supervalu, Target, and Walgreen, and the February 1, 2008 subpoena to The Kroger Company; and
- b. providing such other and further relief as the Court deems just and proper.

#### **REQUEST FOR ORAL ARGUMENT**

McKesson believes that oral argument will assist the Court in deciding this motion, and respectfully requests that the Court hear oral argument on this motion.

Respectfully submitted,

McKesson Corporation  
By its attorneys:

/s/ Paul Flum

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Dated: February 8, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on February 8, 2008.

/s/ Paul Flum  
Paul Flum

**CERTIFICATION PURSUANT TO LOCAL RULES 7.1 AND 37.1**

I, Paul Flum, counsel of record for defendant McKesson Corporation, hereby certify that I conferred with counsel for plaintiffs in an effort to resolve the dispute referred to in this motion, and that the parties have not been able to reach agreement with respect thereto.

/s/ Paul Flum  
Paul Flum